

## **Minutes: Leesburg Planning Commission November 30, 2000**

The Leesburg Planning commission met in regular session on Thursday, November 30, 2000 at 7:00 p.m. in Council Chambers, 25 West Market Street, Leesburg, VA. Members present for this meeting were: Chairman G. Glikas, Vice-Chairman C. Vaughan, Commissioners: C. Cable, D. Kennedy and L. Werner. Absent was: K. Kearns, L. Schonberger and K. Umstattd. Staff members present for the meeting were: Mike Tompkins, Brian Boucher, Lee Phillips, Randy Hodgson and Jennifer Moore.

Mr. Tompkins welcomed Randy Hodgson to the Planning, Zoning and Development staff as the Chief of Comprehensive Planning.

### **Minutes:**

Commissioner Cable made a motion to approve the minutes with minor changes.

Motion: Cable  
Second: Vaughan  
Carried: 6-0

### **Petitioners:**

None

### **Councilmanic Report:**

None

### **Public Hearings:**

None

### **Subdivision and Land Development Plan:**

None

### **Zoning Items**

#### **Draft Zoning Ordinance Update:**

Mr. Boucher stated that the staff had been in the process of updating the Zoning Ordinance when, due to a shortage of staff, was put on hold. Staff is now resuming the process and would like to recommend that the Planning Commission begin to meet

on the second and fourth Thursday's of the month, just to discuss changes to the Zoning Ordinance. Mr. Boucher stated that staff is striving to have a Planning Commission public hearing on this item on February 15, 2001.

Chairman Glikas suggested that the Planning Commission stick to the standard two hours for reviewing the Ordinance unless they decide to continue working. He also wanted to stress that should the Commissioners have questions, they should contact staff ahead of time so that previous issues that were worked out are not discussed again.

Commissioner Werner stated that she would be out of town on December 14, 2000 attending the last session of the Planning Commissioners certification program. Mr. Boucher stated that Commissioner Werner or any Commissioner is welcome to come in and go over any questions that they may have in the office.

Commissioner Vaughan suggested that the Commission appoint two members to work directly with the staff to work on the Zoning Ordinance and then bring the "finished" product back to the Commission for review and approval. Chairman Glikas stated that he believes that it would be better if the entire Commission participated.

Mr. Boucher stated that he would put what was talked about tonight in memo form and send it out to the Planning Commission.

### **Comprehensive Planning Items**

#### **A. SE 2000-11 – Jafari Auto Sales and Service**

Commissioner Cable asked why "sales" was still part of the application. Mr. Phillip stated that that is because that was how the application was filed. However, the applicants no longer want "sales" as part of the application.

Mr. Phillips went over the information packet that the applicants submitted with the Commission. Mr. Phillips stated that the biggest issue at the last meeting was that the Commission did not know what the building would look like. He stated that the applicants went to several auto service facilities and took some photos to show the Commission what they had in mind for the building.

Chairman Glikas asked how many bays were being proposed. Mr. Phillips stated that there are five service bays being proposed.

Commissioner Cable asked why staff was recommending approval. Mr. Phillips stated that staff is recommending approval because it meets all of the criteria for special exception.

Commissioner Cable stated that she would like to have the parking space in front of the building labeled as such. Mr. Phillips stated that should the Commission wish to recommend approval for this application and forward it to the Town Council he could add that to the plan.

Commissioner Cable stated that she is still concerned that the plan says “existing house”. Mr. Phillips stated that he could use the words “existing structure”.

Commissioner Cable asked if there had been any resolve to the question that Commissioner Schonberger asked last week about a disruption of the 100-year flood plain. Mr. Phillips stated that it has not been resolved; it will require an extensive flood plain study.

Commissioner Werner asked Mr. Phillips to describe the businesses on the adjoining properties. Mr. Phillips stated that on the south side of the property is a parking lot. He stated that that parking lot supports a building that is on a separate piece of property. Mr. Phillips stated that the Douglas Support Facility is primarily office space. Mr. Phillips stated that there is a residence close to the proposed site, however the residents of that property are running a home occupation and they fully expect, if there business does well, to make that a full time business.

Commissioner Werner asked if any of the other businesses in the area are operating under a Special Exception. Mr. Phillips stated that he did not know the answer to that question. He stated that the process is fairly new; it has only been in effect since 1990.

Commissioner Werner asked if the business were approved today, would they be approved under a Special Exception or by right. Mr. Phillips stated that the abandoned auto service would have needed a Special Exception. Commissioner Cable read to the Commission the uses permitted by Special Exception and it appears that Southern Electric would be the only business that would need a Special Exception.

Chairman Glikas asked if there would be any type of storage on the site. Mr. Phillips stated that in the staff report he has listed the Special Exception standards for vehicle service facilities and, it states, “facilities shall not include an outdoor storage area for anymore than four abandoned or wrecked inoperable vehicles on a site for more than one week, subject to the limitation that there shall be no wrecking or sale of said vehicles or parts thereof.”

Chairman Glikas stated that he is concerned with the appearance of the site. Mr. Phillips stated that there are several options, the applicants could agree to store all materials within the building or they could have some type of storage facility on the site.

Commissioner Vaughan stated that he had hoped to receive a more professionally prepared, aesthetically pleasing document. His concern is that there was one application that was approved in that area that did not work out and it seems to him

that that portion of Sycolin Road has not developed well and he is looking for projects that will develop well. He stated that there needs to be a blending of the old and the new that is aesthetically pleasing on the property and he is not seeing that happen with this application.

Commissioner Vaughan stated that there is not enough detail in the design document that was presented to the Commission for him to feel comfortable that the project will fit on the property.

Chairman Glikas stated that he would like to hear from the applicants. Mr. Nassin Jafari, representative for the applicant, came forward to speak. Mr. Jafari stated that this is not the first business that the applicants have owned in Town; they were the former owners of the Friendly Café on Fort Evans Road. He stated that the intention of the applicants is to bring forth a business which is helpful and very much align with the community.

Mr. Jafari stated that the applicants have a very deep concern for aesthetics; he stated that they looked at several garage facilities, and they too were concerned with the outward appearance. He stated that the applicants have set a 15x30 enclosed dumpster pad, the pad will not only be used to hold the dumpster, but old parts and tires as well to maintain the aesthetics of the property. Mr. Jafari stated that they would also maintain the existing tree border.

Mr. Jafari stated that the picture makes the house on the property seem large in comparison to the proposed bays, but actually the existing structure is 700 square feet footprint and the proposed structure is 3,000 square feet. He stated that the existing structure is going to be considerably larger than the proposed structure.

Mr. Jafari stated that it is the applicant's intent to renovate the entire existing structure inside so that it meets commercial standards so that they can have an office area for transactions for the auto service.

Mr. Jafari stated that the applicants agree that the area around Sycolin Road is becoming more commercial in nature and they feel that this particular business will help facilitate new businesses coming to the area.

Commissioner Kennedy stated that he walked in without major reservation, however after having heard the Chairman's comment about a previous "mistake" that he was involved in on that same street, he now has reservations. He does, however, believe that this is a good use for this property.

Commissioner Vaughan asked why the applicant's did not invest more in the presentation if this is an investment that would secure their future. Mr. Jafari stated that they felt that the scaled drawing, which is what the Town requests, was adequate in terms of a concept plan.

Commissioner Vaughan stated that he was looking for professionally prepared scaled drawings. Commissioner Cable pointed out that Mr. Phillips indicated in his staff report to the Commission that there is no requirement that the drawings be prepared by a professional. Commissioner Vaughan stated that he understands that, however the applicant's representative has indicated that investments have been made to secure a future and he is curious why more of an investment wasn't made to enhance the presentation. Again, Mr. Jafari stated that he submitted what the Town required him to submit. He stated that if a more elaborate drawing had been necessary, he would have done so, to his understanding that was not necessary.

Commissioner Cable asked Mr. Phillips if there was a condition that was not in the staff report that he had indicated should be added. Mr. Phillips stated that he was thinking that a condition could be added that states that the applicant be held to the promises identified in the information packet submitted by the applicant.

Commissioner Cable stated that should this application be considered for approval, she would like that condition included and she would also like to know if there is the ability to place a condition that would make the applicant have to come back before the Commission to request an extension so that if there are problems with the site they can be addressed. Commissioner Kennedy stated that that is the kiss of death for a business.

Chairman Glikas stated that the Commission is charged with making a decision on this application now and cannot manage the business sometime in the future.

Commissioner Cable stated that it was just an idea.

Commissioner Vaughan asked if there is a requirement to bring the existing structure that will be used for offices up to fire code standards. Mr. Phillips stated that should a Special Exception be approved the applicant's have to receive an occupancy permit that is signed off by the Fire Protection Engineer.

Mr. Parks stated that he sensed that some of the Commission members were still not comfortable approving the application as submitted. He stated that he would add three more conditions to determine if that would make the Commission more comfortable voting for approval on this application. The new conditions would be;

13. Label the parking space south of the existing structure;
14. Identify the existing structure on the concept plan as such and not as an existing house; and
15. Incorporate all information provided by the applicant as part of the Special Exception.

Chairman Glikas stated that he would like something added that would take care of the storage of supplies on the property. Commissioner Cable stated that it was her understanding that the enclosed dumpster area would be used as the storage area for used parts. Mr. Phillips stated that that was his understanding as well.

Commissioner Werner stated that she concurs with Commissioner Vaughan, and she is not convinced that this is the best use for the zoning in this area and for this property. When possible she likes to stick with uses that are by right and not Special Exceptions unless there is a compelling reason to approve a Special Exception.

Commissioner Werner stated that she would like the Commission to move forward and have a land use study done of this area along Sycolin Road. She stated that she is ready to forward a recommendation of denial to the Town Council for this application.

Commissioner Cable stated that if this were a rezoning the Commission would have considerably more detail and the ability to work with the applicant more, the fact remains that this property is already zoned for this use, there is a provision in the Ordinance that allows for Special Exception Use applications to be filed and this application meets those requirements.

Commissioner Kennedy stated that he is in agreement with Commissioner Cable, he stated that this is in essence a dead end road and if this business is not placed here then what business would be placed on this site. He does not see this business as not being compatible on that stretch of road.

Commissioner Cable made a motion to approve the application in keeping with the development plan conditions set forth in Attachment 4A of the staff report as amended to include conditions numbers 13-16 as discussed tonight.

Motion: Cable  
Second: Kennedy  
Failed: 2-3, with Commissioners Werner,  
Vaughan and Glikas voting Nay

Commissioner Vaughan made a motion to deny the application because the development as shown on the plan is incompatible with the adjoining uses and one of the primary infill policies as identified in the Town Plan.

Motion: Vaughan  
Second: Werner  
Carried: 3-2, with Commissioners Cable and  
Kennedy voting Nay

Commissioner Cable asked if the Town Council would receive motions both for approval and denial. Mr. Phillips stated that he would send two motions to the Town Council. Commissioner Cable asked if the recommendation for approval would include the additional four conditions. Mr. Phillips stated that they would be added and he would point out that the motion had failed.

### **Old and New Business**

Chairman Glikas asked if Mr. Tompkins had been able to schedule a time when the Commission could meet. Mr. Tompkins stated that a time has not been scheduled yet. He suggested that it take place at the first of the year.

Commissioner Cable wanted to remind everyone that she would be calling them to ask for nominations for Chairman and Vice-Chairman so that it can be brought before the Planning Commission on December 21, 2000 so that the Commission is prepared to vote at the first meeting in January.

### **Committee Reports**

None

There being no further business the meeting adjourned at 8:35 p.m.